



One Hundred First Legislature - First Session - 2009
Introducer's Statement of Intent
LB 647

Chairperson: Mike Friend
Committee: Urban Affairs
Date of Hearing: February 10, 2009

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Legislative Bill 647 would require cities of the first or second class, or villages to provide written notice of a proposed annexation by regular mail to all property owners within the area proposed for annexation.

The bill would require notice be sent at least ten working days prior to the planning commission public hearing, and at least ten working days prior to the city council or village board public hearing. The notices would include a description of the area proposed for annexation, information about the meeting, and how to obtain more information. No other notice would be necessary beyond these two notices if either meeting is adjourned, continued, or postponed to a later date.

Except for willful or deliberate failure to cause notice to be given, LB 647 would not allow an annexation decision to be affected solely for an irregularity, defect, error, or failure on the part of the city to cause notice if a reasonable attempt was made to comply with this bill. No action to challenge the validity of the decision made on the proposed annexation based on the notice requirements could be filed more than one year from the date of the formal acceptance or rejection of the proposed annexation.

Similarly, except for willful or deliberate failure to cause notice to be given, the city or its employees would not be liable for any damage to any person if a reasonable attempt was made to comply with LB 647. There would also be a one-year statute of limitations for filing an action regarding damages.

Finally, owner is defined as those owners who were on record with the register of deeds no earlier than the last business day before the twenty-fifth day preceding the planning commission public hearing for the proposed annexation.

Principal Introducer: _____
Senator Mark Christensen